

Apartment Ownership Act

Passed 15 November 2000

(RT¹ I 2000, 92, 601),

entered into force 1 July 2001,

amended by the following Acts:

13.11.2002 entered into force 01.01.2003 - RT I 2002, 99, 579;

15.05.2002 entered into force 01.01.2003 - RT I 2002, 47, 297;

04.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565.

Chapter 1

Apartment Ownership

§ 1. Definition of apartment ownership

(1) “Apartment ownership” means ownership of the physical share of a structure together with a legal share of common ownership to which the physical share belongs. Provisions of the Law of Property Act (RT I 1993, 39, 590; 1999, 44, 509; 2001, 34, 185; 52, 303; 93, 565; 2002, 47, 297; 53, 336) concerning immovable property ownership apply to apartment ownership in issues not regulated by this Act.

(2) For the purposes of this Act, the objects of common ownership are a plot of land and such parts and equipment of a structure which pursuant to subsection 2 (2) of this Act are not part of the physical share of any apartment ownership and are not in the ownership of a third person.

(3) The physical share of a structure and the legal share of common ownership which are objects of apartment ownership cannot be separately transferred, encumbered or bequeathed.

(4) An apartment ownership shall be restricted to one immovable.

§ 2. Physical share of object of apartment ownership

(1) The physical share of an object of apartment ownership is a delimited dwelling or non-residential premises and parts of the structure belonging thereto, which enable separate use and which can be altered, removed or added without violating common ownership or the rights of other apartment owners and without altering the external form of the structure. A part of a garage with a permanent marking may also be part of a physical share of an object of apartment ownership.

(2) Structures or parts thereof, or equipment necessary for the life of a structure, for ensuring safety or for common use by the apartment owners are not physical shares of an object of apartment ownership even if they are situated within the boundaries of a physical share of the object of apartment ownership.

§ 3. Division of immovable property ownership into apartment ownerships

(1) Immovable property ownership the object of which is a plot of land together with a structure or a structure to be built thereon may be divided into apartment ownerships.

(2) Immovable property ownership may be divided into apartment ownerships only in its entirety.

(3) Upon division of immovable property ownership into apartment ownerships, some dwellings or non-residential premises may remain in common ownership.

(4) Upon division of immovable property ownership into apartment ownerships, each legal share of common ownership shall have a physical share of an apartment ownership.

§ 4. Creation of apartment ownership

(1) The owner may divide immovable property ownership into apartment ownerships on the basis of a notarially authenticated unilateral registration application.

(04.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565)

(2) Immovable property ownership in common ownership may be divided into apartment ownerships on the basis of a joint notarially certified registration application by all the co-owners.

(3) Apartment ownership is created by entry in the land register on a basis prescribed in subsection (1) or (2) of this section.

(4) Apartment ownership may be merged and divided on the basis of § 54 of the Law of Property Act. A plan or design in compliance with the requirements of clause 5 (3) 1) of this Act shall be annexed to a registration application.

§ 5. Registration of apartment ownership

(1) Upon registration of apartment ownerships, an independent land register part shall be opened concurrently for each apartment ownership and the current register part for the immovable shall be closed.

(2) Data from the closed register part shall be entered in the corresponding divisions of the new register parts. The location and number of the apartment, the total area of the physical share of the apartment ownership, the size of the legal share of common ownership and the numbers of

the other apartment ownership register parts are also entered in the first division of the register part. The name of the apartment owner shall be entered in the second division. If the apartment ownership is in shared ownership, the names of the joint owners and, in the case of common ownership, also the sizes of the shares shall be indicated.

(3) A registration application for an apartment ownership register part to be opened shall set out the sizes of the physical shares of the apartment ownerships and the sizes of the legal shares of common ownership. The following shall be annexed to a registration application:

1) a copy, issued by the registrar of the national building register or the administrative agency which issued the building permit or permit for use, of the plan of the structure to be divided into apartment ownerships or of the design of the structure to be built, setting out the delimited premises of the physical share of each apartment ownership, marked with an apartment number;

(15.05.2002 entered into force 01.01.2003 - RT I 2002, 47, 297)

2) other documents prescribed by law as prerequisites for registration.

§ 6. Termination of apartment ownership

(1) Apartment ownership terminates by deletion of the entry from the land register or by closure of the apartment ownership register parts. Upon closure of apartment ownership register parts, the real rights established in the apartment ownership terminate.

(2) Apartment ownership register parts may be closed only concurrently. All register parts shall be closed in the following cases:

1) on the basis of a notarially certified registration application submitted by all the apartment owners;

2) on the basis of a notarially certified registration application submitted by a majority of the apartment owners if the structure has become completely unusable; a relevant certificate from the local government shall be annexed to the application;

3) on the basis of a notarially certified application submitted by the person who has acquired all the apartment ownerships.

(3) Upon closure of apartment ownership register parts, a new register part shall be opened concerning the immovable pursuant to the procedure provided for in the Law of Property Act and the Land Register Act (RT I 1993, 65, 922; 1999, 44, 511; 2001, 21, 113; 24, 133; 31, 171; 56, 336; 93, 565). On the bases provided for in clauses (2) 1) or 2) of this section, the immovable remains in the common ownership of the previous apartment owners. Unless otherwise specified by an agreement between the apartment owners, the size of the share of each apartment owner in the common ownership shall correspond to the size of the legal share of common ownership which belonged to the apartment owner.

(4) If closure of apartment ownership register parts affects the rights of third persons, the register parts shall not be closed without the consent of such persons.

§ 7. Restrictions on disposal of apartment ownership

(1) Apartment ownership shall not be encumbered with a right of superficies.

(2) An apartment owner has the right of pre-emption to an apartment ownership only if such right is established for the benefit of the apartment owner by a transaction or by law.

(3) An apartment owner does not have the right to demand severance of a share of common ownership of the apartment owner as a physical share.

Chapter 2

Administration

§ 8. Community of apartment owners

(1) On the basis of an agreement, apartment owners may organise legal relationships concerning the object of common ownership (community of apartment owners) differently than provided by this Act, except if this is directly precluded by law. If apartment owners decide to found an apartment association pursuant to the requirements of the Apartment Associations Act (RT I 1995, 61, 1025; 1999, 42, 498; 2000, 88, 576; 2001, 93, 565; 2002, 47, 297), the owners shall administer the object of common ownership pursuant to the Apartment Associations Act as of the creation of the legal capacity of the apartment association. In the case provided for in the previous sentence, this Act applies to administration of the object of common ownership in so far as this is not in conflict with the Apartment Associations Act.

(2) Agreements derogating from this Act apply to the legal successors of an apartment owner only if such agreements have been entered in the land register.

(3) If a decision is made by a majority of the votes of apartment owners on the basis of this Act or an agreement between the apartment owners, the decision shall apply also to the apartment owners who voted against the decision or did not participate in the voting.

(4) Decisions of the general meeting of apartment owners and court decisions apply to the successors of an apartment owner without entry in the land register.

§ 9. Specifications concerning termination of community of apartment owners

Termination of a community of apartment owners cannot be demanded by an apartment owner or a third person. A community may be terminated only upon termination of the apartment ownerships.

§ 10. Restrictions on disposal of object of apartment ownership

(1) An apartment owner may use a physical share of the apartment ownership at his or her own discretion, except if such use is in conflict with law or with the legitimate interests of a third person.

(2) An apartment owner has the right to use objects of common ownership according to their intended purpose.

§ 11. Obligations of apartment owners

(1) An apartment owner is required to:

1) maintain the physical share of the apartment ownership and use the physical share and the object of common ownership in a manner not exceeding the effects produced on other apartment owners by the normal use of the property;

2) endure effects which remain within the limits specified in clause 1) of this subsection;

3) enable other persons to use the physical share of apartment ownership if this is necessary for the maintenance of the object of common ownership. The owner shall be compensated for damage caused by such use.

(2) An apartment owner is required to ensure compliance with the provisions of clauses (1) 1) and 2) of this section by his or her family members, temporary residents and persons who use the apartment.

(3) An apartment owner shall not be liable for violating his or her obligations if the apartment owner can prove that he or she violated the obligations due to circumstances beyond his or her control and the apartment owner could not be expected to take into account or prevent such circumstances or to overcome the impediment or the consequences thereof under the principle of reasonableness. If an impediment is temporary, violation of obligations is justifiable only for the period during which the impediment hindered performance of the obligations.

§ 12. Use of apartment ownership

(1) Apartment owners may regulate the use of legal shares of apartment ownership and the object of common ownership by an agreement.

(2) Within the limits of normal use as referred to in clause 11 (1) 1) of this Act, apartment owners may decide issues by majority vote.

(3) An apartment owner may demand that a physical share of apartment ownership and the object of common ownership be used pursuant to law and the agreements and decisions of the apartment owners. If the use of a physical share of apartment ownership or an object of common ownership is not regulated, they shall be used pursuant to the interests of the apartment owners.

§ 13. Taxation, encumbrances, expenses and fruits

(1) Apartment owners shall pay taxes incumbent on common ownership, bear real encumbrances in public law and the expenses arising from the management of the common ownership and receive the fruit arising from the management of the common ownership in proportion to the size of the share of common ownership belonging to them. Apartment owners may derogate from such proportions on the basis of an agreement.

(2) An apartment owner is required to compensate other apartment owners for expenses relating to the maintenance and administration of the object of common ownership to the extent specified in subsection (1) of this section.

(3) An apartment owner is not required to compensate for expenses exceeding the amount necessary for the regular maintenance of the object of common ownership if he or she did not consent to such expenses.

§ 14. Obligation to transfer apartment ownership

(1) If an apartment owner has repeatedly violated his or her obligations with regard to another apartment owner and other apartment owners consider his or her continuing membership in the community impossible, they may require the apartment owner to transfer his or her apartment ownership.

(2) In particular, transfer of apartment ownership may be demanded if:

1) an apartment owner has repeatedly failed to perform the obligations listed in § 11 of this Act;

2) an apartment owner has delayed payment of at least six months' management expenses for more than three months;

3) the activities of an apartment owner severely interfere with the use of other apartment ownerships.

(3) Submission of the demand specified in subsection (1) of this section shall be decided by a majority of the votes of the apartment owners.

(4) Submission of the demand provided for in subsection (1) of this section shall not be precluded or restricted by an agreement between the apartment owners.

(5) If an apartment owner who has violated his or her obligations fails to transfer the ownership, the transfer shall be adjudicated by a court on the basis of an action submitted by at least one apartment owner or an action submitted by the administrator of the object of common ownership (hereinafter administrator). The court shall make a judgment on the basis of the facts on which the demand for transfer is based.

(6) An apartment owner or administrator may demand execution of a court judgment on the basis of the Code of Enforcement Procedure (RT I 1993, 49, 693; 2002, 83, 489; 84, 492).

§ 15. Administration of apartment ownership

(1) An object of common ownership shall be jointly administered by the apartment owners unless otherwise prescribed by law or an agreement between the apartment owners.

(2) An apartment owner has the right to perform acts necessary for the preservation of the object of common ownership without the consent of the other apartment owners, and may demand reimbursement of necessary expenses from the other apartment owners in proportion to the extent they bear the expenses relating to the common ownership.

(3) Without derogation from the agreements, apartment owners may decide matters within the limits of regular administration by majority vote.

(4) Annulment of a decision may be demanded within one month after the adoption of the decision, except if the decision is in conflict with a rule of law which cannot be derogated from by an agreement or decision of apartment owners.

(5) An apartment owner may demand administration of the object of apartment ownership pursuant to the agreements and decisions of the apartment owners or, in the absence thereof, pursuant to the interests of the apartment owners.

(6) In particular, the following is deemed to be administration pursuant to the interests of apartment owners:

1) establishment of the internal rules regulating the use of the object of common ownership (hereinafter internal rules);

2) regular maintenance of the object of common ownership;

3) entry into a non-life insurance contract by the apartment owners on the basis of the reinstatement value of the object of common ownership, and insurance of the liability of the apartment owners;

4) establishment of a sufficient repair fund;

5) preparation of a management plan;

6) enduring measures necessary for building and maintenance of reasonable communications for an apartment owner.

(7) An apartment owner who requests enduring of measures specified in clause (6) 6) of this Act is required to compensate for the damage arising from such measures.

§ 16. Special expenses and restoration of structure

(1) An agreement of apartment owners is necessary for rearrangements exceeding the alterations necessary for the performance of construction work or other maintenance of the object of common ownership; such rearrangements shall not be decided pursuant to subsection 15 (3) of this Act nor demanded pursuant to subsection 15 (5) of this Act. Such rearrangements may be carried out without the consent of the other apartment owners if the relevant acts do not violate the rights of the other apartment owners more than specified in clause 11 (1) 1) of this Act.

(2) If more than one-half of a structure is destroyed and the damage is not covered by an insurance contract or in any other manner, restoration of the structure shall not be decided pursuant to subsection 15 (3) of this Act nor demanded pursuant to subsection 15 (5) of this Act.

§ 17. General meeting of apartment owners

(1) Decisions made by majority vote pursuant to this Act or an agreement of the apartment owners shall be adopted by the general meeting of the apartment owners.

(2) In order to adopt a decision, the content of the draft decision shall be described in the agenda which is specified in invitations to the general meeting.

(3) A decision may be made also without calling the general meeting if all apartment owners have submitted their written opinions concerning the decision.

§ 18. Calling, chairing and minutes of general meetings

(1) An administrator shall call a general meeting of apartment owners at least once a year.

(2) An administrator shall call a general meeting of apartment owners in the cases prescribed in an agreement between the apartment owners or on the basis of a written request of the house council or at least one-quarter of the apartment owners. The request shall set out the reason for the calling of a general meeting.

(3) In the absence of an administrator or upon his or her unlawful refusal to call a general meeting, a general meeting may be called at the initiative of at least one-quarter of the apartment owners or by the chairman or a member of the house council if a house council has been formed.

(4) Apartment owners shall be notified of a general meeting in writing. The notice shall set out the time and place of the general meeting, the reason for calling the general meeting, the agenda of the meeting and other circumstances relevant to the general meeting. Notice shall be given of a general meeting at least one week in advance. Adherence to this term is not necessary in the case of urgent matters.

(5) A general meeting shall be chaired by the administrator unless otherwise decided by the meeting.

(6) Minutes shall be taken of decisions adopted at a general meeting. The minutes shall be signed by the administrator and one apartment owner. If a house council has been formed, the minutes

shall be signed also be the chairman or a member of the house council. Apartment owners have the right to examine the minutes.

§ 19. Decisions of general meeting

(1) Each apartment owner has one vote regardless of the number of apartment ownerships belonging to him or her. If an apartment ownership belongs to several persons, they shall exercise the voting right jointly and one vote represents all such persons.

(2) A general meeting has a quorum if the apartment owners participating in the meeting hold more than one-half of the shares of common ownership entered in the land register.

(3) If a general meeting lacks quorum pursuant to subsection (2) of this section, the administrator shall call a new general meeting which shall have a quorum regardless of the number of participants. Such fact shall be referred to in the invitations to the general meeting. A new general meeting shall be called within three weeks but not earlier than one week after the general meeting which lacked quorum.

(4) An apartment owner does not have the right to vote if the general meeting decides a transaction to be concluded with him or her, or resolves a legal dispute between the apartment owner and other apartment owners or if a decision made pursuant to § 14 of this Act applies with regard to the apartment owner.

§ 20. Appointment and removal of administrator

(1) Appointment and removal of an administrator shall be decided by a majority of the votes of the apartment owners. An administrator may be appointed to office for a term of up to five years. The consent of a candidate for the office of administrator is required for his or her appointment. Restrictions on removal of an administrator may be applied according to which he or she may be removed only with good reason. No other restrictions shall be applied to appointment or removal of an administrator. Appointment or removal of an administrator shall not be precluded by an agreement of the apartment owners.

(2) An administrator may be reappointed to office not earlier than one year before the expiry of his or her authority.

(3) If an administrator has not been appointed or in cases of urgency, a court shall appoint an administrator for a period until elimination of such urgent circumstances, on the basis of a petition by an apartment owner or a third person with a legitimate interest if there is good reason to do so, at the same time determining the circumstances relevant to the legal relationship between the apartment owners and the administrator.

(4) If necessary, an administrator shall prove his or her authority by the notarially authenticated minutes of a decision of the general meeting of apartment owners referred to in subsection 18 (6) of this Act.

(04.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565)

§ 21. Rights and obligations of administrator

(1) An administrator is entitled and required to:

- 1) implement the decisions of the apartment owners and monitor compliance with the internal rules;
- 2) apply measures necessary for the regular administration and maintenance, including repair, of the object of common ownership;
- 3) apply, with good reason, other measures necessary for preservation of the object of common ownership;
- 4) administer the shared financial resources of the apartment owners;
- 5) enable the house council to monitor the activities of the administrator and submit necessary information and documents to the house council for inspection.

(2) In the name of all the apartment owners, an administrator has the right to:

- 1) collect and satisfy claims and perform transactions concerning the common interests arising from shared ownership of the apartment owners within the limits of his or her authority;
- 2) organise and accept legal acts relating to the regular administration of the object of common ownership;
- 3) receive petitions and notices submitted to the apartment owners with regard to the object of common ownership;
- 4) apply measures necessary for adherence to time limits or other prevention of material damage;
- 5) submit claims in court and extra-judicially within the limits of the authority granted by a decision of the apartment owners.

(3) The rights and obligations listed in subsections (1) and (2) of this section shall not be restricted by an agreement of the apartment owners.

(4) An administrator shall keep the assets of the apartment owners separately from other assets. By a decision of the general meeting, disposal of funds may be made contingent on an apartment owner or a third person.

(5) An administrator may demand issue of an authorisation document from the apartment owners. An authorisation document shall be signed by the persons provided for in subsection 18 (6) of this Act or by a person authorised by the general meeting.

§ 22. Management plan and reporting

(1) An administrator shall prepare a management plan for one calendar year, setting out the following information:

- 1) an overview of the situation of the object of common ownership and of the planned activities;
- 2) intended income and expenditure necessary for the administration of the object of common ownership;
- 3) obligations of the apartment owners in bearing the administration costs of the object of common ownership, according to the proportion of bearing the administration costs of the object of common ownership;
- 4) the amount of payments to be made to the repair fund for the maintenance of the object of common ownership.

(2) Apartment owners shall make periodic advance payments on the basis of the management plan.

(3) Following the end of each calendar year, an administrator shall submit a report to the apartment owners indicating, inter alia, adherence to the management plan and proprietary rights and obligations relating to common ownership.

(4) Apartment owners may, by a decision, demand submission of a report from the administrator at any time.

(5) Management plans and reports shall be approved by a majority of the votes of the apartment owners.

§ 23. House council

(1) Apartment owners may, by a decision, appoint a house council consisting of apartment owners. A house council shall consist of the chairman and two members. A house council may appoint a new chairman from among the members thereof by majority vote.

(2) A house council shall assist the administrator in the performance of his or her duties and monitor the activities of the administrator.

(3) A house council shall verify management plans and reports. Management plans and reports shall be submitted to the apartment owners for approval together with the opinion of the house council.

(4) A house council shall be convened by the chairman of the council when necessary.

Chapter 3

Right of Superficies in Apartments

§ 24. Right of superficies in apartments

- (1) A superficiesary may divide a right of superficies belonging to the superficiesary into a right of superficies in apartments with the consent of the owner of the plot of land.
- (2) A plot of land shall not concurrently be an object of apartment ownership and be encumbered with a right of superficies in apartments.
- (3) The object of a right of superficies is a delimited dwelling or non-residential premises of a structure and the parts of the structure belonging thereto which enable separate use, together with a legal share in the right of superficies to which the apartment belongs.
- (4) An independent land register part shall be opened concurrently for each right of superficies in apartments and the current register part concerning the right of superficies in apartments shall be closed. An entry concerning division of a right of superficies into rights of superficies in apartments shall be made in the register part for the encumbered immovable.
- (5) The provisions regulating apartment ownership and right of superficies apply to other aspects of a right of superficies in apartments unless otherwise provided by law. The provisions concerning the legal share in a plot of land which is an object of apartment ownership apply with respect to a legal share in a right of superficies which is the object of a right of superficies in apartments.

Chapter 4

Procedural Provisions

§ 25. Proceedings on petition in matters concerning apartment ownership

- (1) The following matters shall be heard in proceedings on petition by the court in whose jurisdiction the immovable is located:
 - 1) on the basis of a petition submitted by an apartment owner, a matters which arise from the community of the apartment owners or administration of the object of common ownership and concern the mutual rights and obligations of the apartment owners, except for claims arising according to § 9 of this Act from specifications concerning termination of a community and claims filed pursuant to § 14 of this Act requiring transfer of apartment ownership;
 - 2) on the basis of a petition by an apartment owner or administrator, matters which arise from regulation of administration of the object of shared ownership and concern the rights or obligations of the administrator;
 - 3) on the basis of a petition by an apartment owner or third person, matters concerning appointment of an administrator according to subsection 20 (3) of this Act;

4) on the basis of a petition by an apartment owner or administrator, matters concerning validity of a decision of apartment owners.

(2) In matters not regulated by law or an agreement or decision of apartment owners, the court shall take guidance from the principle of reasonableness.

(3) Participants in the proceedings are:

1) apartment owners in the cases listed in clause (1) 1) of this section;

2) apartment owners and the administrator in the cases listed in clauses (1) 2) and 4) of this section;

3) apartment owners and third person in the cases specified in clause (1) 3) of this section.

§ 26. General procedural provisions

(1) Matters specified in § 25 of this Act shall be heard pursuant to the Code of Civil Procedure (RT I 1998, 43/45, 666; 108/109, 1783; 1999, 16, 271; 31, 425; 2000, 51, 319; 55, 365; 2001, 21, 113; 34, 186; 53, 313; 93, 565; 2002, 29, 174; 50, 313; 53, 336; 64, 390; 92, 529) unless otherwise provided by this Act.

(2) A court shall decide on the acceptance of a petition specified in § 25 of this Act within ten days after submission thereof.

(3) If a court holds a preliminary hearing, it shall be held within one month after submission of the petition.

(4) If possible, a court shall hold the session within two months after submission of the petition.

(5) The judge shall assist the parties in finding an agreement. Minutes shall be taken of the agreement.

Chapter 5

Implementing Provisions

§ 27. Amendment of Privatisation of Dwellings Act

The Privatisation of Dwellings Act (RT I 1993, 23, 411; 2000, 99, 638; 2001, 93, 565; 2002, 47, 297; 53, 336) is amended as follows:

1) the text of § 15 is amended and worded as follows:

“ (1) In the case of a residential building with privatised dwellings, the owners may found an apartment association for joint administration of the building. The obligated subjects specified in

§ 6 of this Act shall also be members of the apartment association with the dwellings which are not privatised and corresponding other parts of the building. In residential buildings where an apartment association has not been founded and administration has not been delegated to the apartment owners, administration of the building shall, until 31 December 2002, be organised by the obligated subject of privatisation of dwellings or a person to whom administration has been delegated pursuant to the procedure provided by legislation and to whom the owners of the privatised dwellings are required to pay the management expenses pursuant to the Apartment Ownership Act. Provisions of the Apartment Ownership Act concerning administrators apply to the corresponding legal relationship of an obligated subject of privatisation of dwellings or a person to whom administration has been delegated. By a decision adopted on the basis of the Apartment Ownership Act, apartment owners may remove a person acting as an administrator.

(2) In residential buildings where the apartment owners have entered into a contract for joint activity for the administration of the building, the contracts remain in force in so far as this is not in conflict with the Apartment Ownership Act.

(3) Foundation of apartment associations and the bases for the activities thereof shall be provided by other legislation.”;

2) subsections 15¹ (1)–(4) are repealed.

§ 28. Application of Apartment Ownership Act to movables

The provisions of Chapters 2 and 4 of this Act apply also to dwellings and non-residential premises which are in commerce as movables.

§ 28¹. Separated space

Upon establishment of apartment ownership of privatised dwellings or privatised non-residential premises, separate space, meaning space separate from the dwelling, located in the same building and necessary for servicing the dwelling, or space separate from the non-residential premises, located in the same building and necessary for servicing the non-residential premises within the meaning of the Non-Residential Premises Privatisation Act (RT I 1995, 57, 979; 1996, 2, 27; 1997, 13, 210; 1999, 27, 386; 82, 754; 2000, 88, 576; 2002, 47, 297), or part of a construction works which is separate from the delimited part of the construction works and necessary for servicing part of the construction works, is also included in the physical share of the apartment ownership.

(13.11.2002 entered into force 01.01.2003 - RT I 2002, 99, 579)

§ 29. Creation of new physical share to structure which is divided into physical shares and is in commerce as movable

A new physical share may be created to a structure which is a movable and is in commerce in physical shares (a privatised dwelling or non-residential premises) on the basis of an agreement between all the owners of the current physical shares. The agreement shall set out the change in

the legal shares in common ownership belonging to the owners of the current physical shares, the size of the new physical share and the size of the legal share of common ownership belonging thereto, the person to whom the right to build an extension is transferred and the person authorised to perform necessary acts related to the building of the extension. The agreement shall be notarially authenticated.

(04.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565)

§ 30. Repeal of Apartment Ownership Act

The Apartment Ownership Act (RT I 1994, 28, 426; 1997, 13, 210; 93, 1566; 1998, 59, 941; 107, 1764; 108/109, correction notice; 1999, 27, 386; 2000, 88, 576) is repealed.

§ 31. Entry into force of Act

(1) This Act enters into force on 1 July 2001.

(2) Clause 15 (6) 3) of this Act enters into force on 1 January 2005.

¹ RT = *Riigi Teataja* = *State Gazette*